

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Amendment of Section 73.622
of the Commission's Rules
Digital Television Table of Allotments
(Dozier, Alabama)

RM-9897

MM Docket No. 00-131

To: The Chief, Video Services Division

COMMENTS IN SUPPORT OF PROPOSED CHANGE

Alabama Educational Television Commission ("AETC"), licensee of noncommercial television station WDIQ-TV, NTSC Channel 2, Dozier, Alabama, by its attorneys, hereby respectfully urges the Commission to adopt its Notice of Proposed Rule Making that proposes to modify Commission's Digital Television Table of Allotments, as described in Section 73.622 of the Commission's Rules, with regard to WDIQ-TV.1/ Accordingly, AETC would request that the Commission substitute Channel 11, Dozier, Alabama, for Channel 59, Dozier, Alabama, as the noncommercial digital television allotment to be used by the digital television station WDIQ-DT, as stated in the Notice.

The reasoning in support of AETC's initial Petition continues to support adoption of the Notice. In a series of orders, the Commission has specified

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Channels 2-51 as digital television core spectrum (the "Core Spectrum"). ^{2/} Television stations may operate outside the Core Spectrum during the period in which such stations are transitioning to digital broadcasts (the "Transition Period"). After the Transition Period, however, television stations broadcasting on channels outside the Core Spectrum must surrender their licenses for such channels and commence digital broadcast operations on some channel within the Core Spectrum. ^{3/} Accordingly, any station with a digital allotment outside the Core Spectrum would, in most cases, have to construct two digital facilities -- one to be used on the non-core channel during the Transition Period, and one to be used on a core channel after the Transition Period. *See id.*

In the *Reconsideration Order*, the Commission "recognize[d] the additional burden placed on licensees with out-of-core DTV allotments." *Id.* at 7440. Moreover, the Commission emphasized that "the allotment of out-of-core channels may present a particular burden to noncommercial . . . licensees." *Id.* at 7441. The Commission promised that "to the extent that in-core channels [are] available during the transition, [it] will attempt to further reduce the number of out-of-core allotments" through "future amendments to the Table." *Id.* at 7440-41.

^{1/} Notice of Proposed Rule Making, Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Dozier, Alabama), MM Docket No. 00-131 (rel. July 27, 2000) (the "Notice").

^{2/} *See, e.g., Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, 13 FCC Rcd 7418, 7435-37 (1998) ("*Reconsideration Order*"); *Sixth Report and Order*, 12 FCC Rcd 14588 (1997) ("*Sixth Report and Order*").

^{3/} *See, e.g., Reconsideration Order*, 13 FCC Rcd at 7439-42.


Adoption of the Proposal would enable the Commission to mitigate the burdens of the digital transition to one such noncommercial licensee. AETC is a public agency that provides noncommercial educational programs to residents throughout Alabama. It has a limited budget. Any funding that must be spent on technical matters is funding that AETC cannot dedicate to public programming. If the Commission adopts the Proposal, which would substitute a Core Spectrum digital allotment for WDIQ-DT for the current, non-core allotment, AETC would need to design and construct only one set of digital transmission facilities. Accordingly, the Proposal would reduce the construction costs AETC will incur in making WDIQ-TV's digital transition, which would enable more of AETC's limited funds to continue to be used to maintain and improve other aspects of its services.

The Technical Statement attached to the initial petition in this proceeding (and all subsequent amendments) confirms that the proposed allotment change is consistent with the Commission's technical rules. This Statement, as is the entire petition (as modified by all subsequent amendments), is hereby incorporated by reference. A statement from AETC confirming that it will apply for the allotment if changed as proposed is also attached to this submission.

For all the foregoing reasons, the Commission should adopt the Notice, approve the proposed modification in WDIQ-DT's channel allotment, and make all other changes necessary and appropriate to enable AETC to apply to construct WDIQ-DT's transmission facilities on Channel 11.

Respectfully submitted,

ALABAMA EDUCATIONAL TELEVISION
COMMISSION

By: 
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Its Attorneys

September 15, 2000

Declaration

I, Allan A. Pizzato, declare as follows:

1. I am an officer of the Alabama Educational Television Commission ("AETC").
2. If the proposed rulemaking amending Section 73.622, Digital Television Table of Allotments, is adopted, AETC intends to apply for Commission consent to construct the digital television facilities that will operate on the channel proposed in the attached submission.
3. If awarded this construction permit, AETC intends to construct and operate such facilities pursuant to the Commission's requirements.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

Allan A. Pizzato

Name: ALLAN A. PIZZATO

Title: EXECUTIVE DIRECTOR

September 15, 2000